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**VIA FOIAONLINE.REGULATIONS.GOV**

U.S. Environmental Protection Agency  
Region 4 Freedom of Information  
SNAFC Building  
61 Forsyth Street, SW, 9th Floor  
Atlanta, GA 30303-8960

**Re: Freedom of Information Act Request for Records Concerning the Coal Ash Pond at Plant Scherer in Juliette, GA**

To Whom It May Concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 et seq., and by way of this letter, I am requesting copies of all documents in possession of the U.S. Environmental Protection Agency, Region 4, that in any way mention, concern, and/or relate to the **Plant Scherer coal ash pond and the National Pollutant Discharge Elimination System ("NPDES") Permit No. GA0035564 ("Permit")**.

This request includes, but is not limited to, the following documents:

1. The complete U.S. EPA file for the Plant Scherer coal ash pond, including copies of prior and draft Permits obtained by U.S. EPA;
2. All documents, including those claimed as confidential business information, that relate to EPA's assessment of the dam at Plant Scherer's coal ash pond in 2010 that are not available on EPA's "Coal Combustion Residuals Impoundment Assessment Reports" website (<http://www.epa.gov/waste/nonhaz/industrial/special/fossil/surveys2/index.htm#CBI>);

3. All correspondence, written and electronic, between U.S. EPA officials and/or any other entity or individual, including officials from Georgia Power or the Georgia Environmental Protection Division ("EPD"), regarding violations of the Clean Water Act by the coal ash pond at Plant Scherer;
4. All correspondence, electronic and written, between U.S. EPA officials and Georgia Power or the Georgia EPD regarding potential or contemplated Clean Water Act enforcement actions by U.S. EPA against Georgia Power or Plant Scherer for violations related to the Plant Scherer coal ash pond;
5. All notices of violations and other enforcement actions prepared by U.S. EPA concerning Plant Scherer's coal ash pond;
6. Complaints received by U.S. EPA concerning the coal ash pond at Plant Scherer and electronic and written correspondence by U.S. EPA officials responding to and concerning such complaints; and
7. Any correspondence, reports, and studies by U.S. EPA on the effects of the coal ash pond on local ground and surface water, including Lake Juliette and the Ocmulgee River Basin.

If for any reason you determine that certain portions of the requested documents or information are exempt from disclosure under the Freedom of Information Act, please delete any such allegedly exempt material, and furnish copies of those portions of the documents that are not exempt. If any documents are withheld or portions deleted, please identify those documents, the substance of such documents or deletions, and the grounds for withholding such documents or making such deletions. My consent to such deletion at this time in no way waives my right to appeal any determination that may be made concerning the applicability of any exemptions under the Freedom of Information Act to the requested documents and information.

I request that you provide me with exact copies of the requested documents or, where no actual official document exists, a complete and accurate account of the information requested. I agree to pay all reasonable search and associated administrative and copying costs; **however, if these costs exceed \$25.00, I request that you notify me before proceeding**, and provide me with the current fee schedule and an estimated cost to produce the documents, pursuant 40 C.F.R. § 2.107(e). Furthermore, please ensure that the first two (2) hours of administrative search time and the first one-hundred (100) pages of documents produced are provided free of charge, pursuant to 40 C.F.R. § 2.107(c)(1)(iv).

Under the Freedom of Information Act, access to the requested records should be granted within twenty (20) working days from the date of your receipt of this request. Within this period, you "must at least inform [me] of the scope of the documents that the agency will produce, as well as the scope of the documents that the agency plans to withhold under any FOIA exemptions." *CREW v. FEC*, 711 F.3d 180, 186 (D.C. Cir. 2013). Please note that the failure to respond in a timely manner shall be viewed as a denial of this request, which is subject to administrative appeal.

Thank you for your assistance and attention to this request. If you have any questions concerning the foregoing, or if you require further information, please contact me immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christine S", with a long, sweeping horizontal stroke extending to the right.

Christine Q. Ernst, Esq.  
STACK & ASSOCIATES, P.C.